



April 14, 2011

**TO:** Phil Isenberg, Chair, and Members of the Delta Stewardship Council  
Joe Grindstaff, Acting Executive Director, Delta Stewardship Council

**Re: Comments on the Second Draft of the Delta Plan**

Thank you for providing the City of Antioch the opportunity to comment on the second draft of the Delta Plan. After reviewing the draft plan, Antioch has the following comments:

*Please note: Page number referenced below are hard copy page numbers*

## **CHAPTER 1**

Page 1- The Delta Plan

(e) Add "including in-Delta drinking water quality and beneficial uses" after "Improve water quality..."

Page 3- Current Conditions section

4<sup>th</sup> Paragraph, add: "including in-Delta drinking water supply" after "to protect and enhance the quality of water supply from the Delta..."

The Vision section, pages 3-4

Second bullet, Page 3-4 – Antioch supports the Council's vision of restoring the Delta to a healthy estuary, especially through the restoration of "freshwater flows that follow a more natural hydrograph..."

Page 4, second bullet – Antioch supports this point, and reminds the Council that both the drinking water supply, ecosystem and recreation in the Delta are based on a fresh water system that is tidally influenced. Allowing X2 to move inland (or other measures that change the salinity regime) will impact this system and these in-Delta public resource benefits, and therefore, its economy.

Adaptive Management section, pages 6-7

Page 7- on Communicating with the public – "Proponents of proposed covered actions must.....including a commitment for communicating to the public the information learned during the monitoring and assessment of implemented actions." The City assumes that the public will be informed BEFORE implementation of these monitoring measures?

## Phasing of the Delta Plan, pages 7-8

Page 8 – DO NO HARM CLAUSE - Antioch supports strongly the Paragraph that starts, "Accordingly, the Council has determined that the first step towards achieving the co-equal goals is to halt, to the extent feasible...."

Comment: to who or what is being referred to in terms of feasibility? Which priorities come first?

"new or additional practices and activities within the Delta or that have an impact on the Delta which:

- "Further erode water supply reliability or water quality" – ADD "including in- Delta drinking water quality and beneficial use"

## **CHAPTER 2**

### Page 16 – Guidelines and Criteria, Table 2-1

Suggest that historical record plays a very important part of Delta science, and has been overlooked by PPIC and other reports. Historical delta salinity is an example, and the City of Antioch and CCWD have provided historical records from 1800- 1930s that correct some of the "science" quoted by PPIC reports, per testimony by Greg Gartrell, CCWD, and Dr. Susan Paulsen, Flow Science, at the SWRCB flow hearings, on behalf of City of Antioch. Modeling cannot replace facts and modeling using incorrect facts produces invalid results.

## **CHAPTER 3**

### Policies for Council use section

GP P2 – What does "over roughly similar time frames" and "with roughly equivalent certainty" mean in relation to its context of "protecting, restoring and enhancing the Delta ecosystem? Please clarify.

GP P6 - Covered Actions and corresponding criteria should be put into a planning/zoning document format similar to what Counties and Cities do. This format makes it easier for potentially impacted parties to determine if their actions fall within the criteria. It needs to be made easy to follow and understand.

### Communications Plans

As with the City's previous comments, the Council is required to consult with local agencies within the Delta. To date, the Council has not consulted with the City.

Second paragraph "Important components.....are procedures that ensure transparency and robust procedures for early consultation that are used consistently."

*Comment – This is a very important component, especially in light of the lack of such procedures with BDCP and stakeholders. Suggest having consultants provide framework and procedures into next draft of the Delta Plan so that public can have a chance to comment.*

## **CHAPTER 4**

Page 32 - Water Resources Recommendations

WR R1. Comment and concern – DSC asks for BDCP to be final by 12.31.2014. "Long additional delays in adoption of BDCP make it difficult, if not impossible to proceed with action to achieve the co-equal goals."

Antioch supports DSC in proceeding without BDCP to achieve co-equal goals, rather than the other way around.

Comment: BDCP is not THE plan to restore the Delta or its ecosystem. It is limited in scope, and is a take permit for a conveyance project, not as its public relations campaign asserts, a Delta restoration project. It does not protect the co-equal goals of the entire Delta, nor does it restore the entire Delta. In addition, any change to the size of the conveyance will affect the total acres of restoration. Therefore, DSC MUST plan to develop a comprehensive Delta Plan that fills in the blanks' that BDCP is not required to restore or mitigate, and/or develop its own plan (Delta Vision) to carry out the mandates of the Delta Reform Act.

## **CHAPTER 6**

Increased Delta Outflow should be a component of improved water quality within the Delta in addition to the other criteria.

## **CHAPTER 8**

Delta as Evolving Place section – page 45-46

DP P1. The Economic Sustainability Plan shall include...the following items that address planning for:

Add a bullet or include language that refers to economic sustainability:

"maintaining or improving in-Delta fresh water, this supplies municipal drinking water and supports the economic vitality of the region, including industry, fisheries and recreation.

## **CHAPTER 9**

Comment – There is no mention of the costs of mitigation related to BDCP implementation. The City has brought this up to BDCP and has seen no documentation of mitigation costs. Although the City has offered to meet with project proponents and agencies regarding potential solutions, the BDCP proponents have declined to do so.

See page 49 – BDCP Costs and Existing Funding sources

Table, page 50 – no mitigation costs included

Page 51 – 2012 Water Bond Funding for BDCP – Ch. 7, Section 79731 - \$1.5 billion

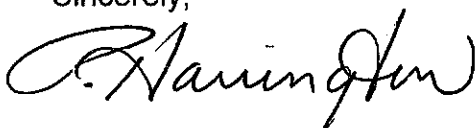
Where will mitigation funding come from if not from project proponents? Currently, 2012 Water Bond funds provided to in-Delta interests including a 50% share, which means that in-Delta entities affected will have to pay 50% of their own mitigation.

## **MISCELLANEOUS**

Water Code section 85031 et al provides that the Delta Reform Act shall not diminish, impair or affect water rights protections including pre-1914 water rights. However, many of the policies being proposed could potentially adversely impact water rights protections. It is important that in preparing components of the Delta Plan that the impacts to water rights and area of origin protections be considered. Adverse impacts to water quality, regulation of groundwater, and additional export facilities will all have potential adverse impacts to water rights protections. These must be considered and it may be that substantial mitigation measures will be required to offset adverse impacts.

Thank you again for allowing Antioch to provide the above comments. The City looks forward to continued cooperation with the Council in developing the Delta Plan.

Sincerely,

A handwritten signature in black ink, appearing to read "P. Harrington", written in a cursive style.

Phillip Harrington  
Director of Capital Improvements/Water Rights